

JANUARY 13, 2004

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

The Regular Session was called to order at 7:00 P.M. by Mayor Ferguson with Councilmembers Stone, Simillion, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Police Chief Keehne, Community Development Director Hannon, Building Official Root, several interested citizens and the press.

Consideration of Minutes:

Special Session Minutes of December 19, 2003.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve the Special Session Minutes of December 19, 2003, as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Set Public Hearing for Adoption of International Residential Code, Prescriptive Energy Code, and Preventative Maintenance Code for January 27, 2004, at approximately 7:10 P.M. This item was discussed at the Work Session prior to the Regular Session. City Attorney Landwehr informed Council that since the Codes are going to be adopted by reference, that there are certain statutory requirements regarding setting the public hearing. Therefore, he recommends directing the City Clerk to set the public hearing date after those requirements are investigated.

Councilmember Stone moved and Councilmember Simillion seconded the motion to direct the City Clerk, after working with the City Attorney and City Staff, to set a public hearing date on the adoption of the International Residential Code, Prescriptive Energy Code and the Preventative Maintenance Code.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Building Permit Fee Waiver Request for the Gunnison County Fairgrounds. This item was discussed at the Work Session prior to the Regular Session.

Councilmember Stone moved and Councilmember Duba seconded the motion to waive the building permit fee and plan check fee in the amount of \$922.31 for the Gunnison County Fairgrounds new horse barn.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 1, Series 2004; Re: Amendment to Floodplain Regulations, 1st Reading.

Councilmember Simillion introduced Ordinance No. 1, Series 2004, and it was read by title only by the City Attorney.

Councilmember Duba moved and Councilmember Stone seconded the motion that Ordinance No. 1, Series 2004, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE PROVISIONS OF CHAPTER 14, ARTICLE 6, THE FLOOD DAMAGE PREVENTION REGULATIONS OF THE CITY CODE OF THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and ordered published on first reading this 13th day of January, 2004.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.
Roll call vote, no: None.

City Attorney: Discussion on Appointment of Alternate City Attorney. City Attorney Landwehr first informed Council that the City has completed the transfer of the Fire House to the City and the Fire District as tenants in common. In regards to the alternate City Attorney, he stated occasionally staff or City board members request legal representation during his absence or on a matter that is a conflict of interest for him. In the past, the City had an agreement with Alternate Counsel Kathleen Hart, who has moved to Wyoming and is no longer available. The question is whether the Council wants to appoint an alternate for times he is absent or when there is a conflict of interest. He has recommended to City Manager Collins the appointment of Laura Magner, who acts as the Town Attorney for the Town of Crested Butte. The City Charter requires a contract for this alternate position. A copy of a contract Ms. Magner has submitted and is in front of Council this evening.

The City Manager stated the City has utilized Ms. Magner in this capacity in the past when there was a conflict of interest with the City Attorney.

Councilmember Smits asked if the City should advertise to open up the opportunity for other local attorneys. The City Attorney stated Ms. Magner has municipal experience and has worked for the City in the past. He is comfortable with her appointment. City Manager Collins stated this is the hire of the City Council. It is at their decision.

Councilmember Stone stated he is comfortable with Ms. Magner's qualifications and the opportunity to utilize an alternate attorney is minimal.

Councilmember Stone moved and Councilmember Simillion seconded the motion to appoint Laura Magner as the Alternate City Attorney.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson. Carried by majority.
Roll call vote, no: Smits.

City Manager: Mark Collins. 1. The City Manager informed Council in their mailboxes is a copy of a correspondence from Sink Combs Dethlef outlining their redeveloped fee formula for the architectural services for the Community Center. Staff will be asking for action on the contract at the January 27th Regular Session. He and the City Attorney will now punch in the figures from the Architects into the draft contract document. Sink Combs will have conceptual drawings on Monday, January 19th. So far, everyone is comfortable in working with them on this project. 2. At last Tuesday's County Commissioner's meeting, CDOT representatives were in attendance and they discussed projects within the Gunnison Transportation Planning Region and some potential funding sources in the future. The Highway 135 reconstruction project should be done this summer and the funding is in place for that project. The Gunnison TPR is in the loop for a Highway 50 and Highway 35 in-town overlay in 2007. We will be in a maintenance mode for now. He will be attending the Region 10 TPR meeting in Montrose this week. 3. Staff reports went out last week and if there are any questions please get with Staff. The snowblower is now repaired and working.

Acting City Manager: Police Chief Jim Keehne. Chief Keehne informed Council that he will provide the annual 2003 Police Department report at the next Regular Session. He then gave an update on an incident that made the state-wide news. Last Saturday evening, at the 4-H dance that was held at the County Multi-purpose Building, 12 children, out of 150 in attendance, became sick with nausea and headache. They were transported to the hospital, treated and released. The investigation has ruled out alcohol or a controlled substance as being the cause of the illness. Interviews took place at the Multi-purpose Building and it appears pop cans may have been tampered with by an unknown person. The cans are being tested for an analysis of the unknown substance. The PD is still conducting interviews and following up leads. That's all for now on this incident.

City Clerk: Gail Davidson. City Clerk Davidson informed Council about several upcoming meetings being sponsored by the Colorado Municipal League. If any of Council would like to attend, please let her know and she will send in the registration.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Session:

Councilmember Duba: Begged Council's indulgence as he will not be at next week's Work Session meeting.

Councilmember Smits: Reported on the economic development summit that he and the Mayor attended last Thursday. It was a 4 hour meeting and he felt it went fairly well. Crested Butte Town Manager Frank Bell did a great job of facilitating the meeting. The speaker out of Greeley/Weld County was also good.

Mayor Ferguson: Concurred with Councilmember Smits about the economic development meeting. He informed Council he will be attending the Mayors/Managers meeting on Thursday on the mountain at Mt. Crested Butte.

Adjournment: The meeting adjourned at 7:25 P.M.

Mayor

City Clerk